99TH CONGRESS
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HOUSE OF REPRESENTATIVES
REPORT
99-751

HYONG CHA KIM KAY

AUGUST 5, 1986.—Committed to the Committee of the Whole House and ordered to be printed

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Mr. FRANK, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 343]

The Committee on the Judiciary, to whom was referred the bill (S. 343), for the relief of Hyong Cha Kim Kay, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has been convicted of a violation relating to illicit possession of a narcotic in behalf of the widow of a U.S. citizen.

STATEMENT OF FACTS

The beneficiary of this bill is a 35 year old native and citizen of Korea who was married to a U.S. serviceman in Korea in 1977. He was subsequently killed in an automobile accident while on home leave. She has two children, age 9 who is a U.S. citizen and another age 5 by her fiance, a U.S. citizen.

Ms. Kay is excluded from entry to the United States based on a conviction in 1975 for possession of 50 grams of marihuana. She was sentenced to one year and placed on two years probation. While the Committee does not condone offenses related to drugs, it is noted that recent amendments to the law in 1981 allowed a waiver of simple possession of 30 grams or less of marihuana on behalf of the spouse of a U.S. citizen. The beneficiary is 20 grams short of an administrative remedy under the law. The Committee is convinced of rehabilitative efforts made by the beneficiary and

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has reviewed various affidavits from community and military personnel which attest to her character.

Interested parties include Mrs. Kay's deceased husband's family as well as her fiance's parents who reside in the United States.

Letters, with attached memorandum, dated August 8, 1978, November 5, 1979, June 1, 1981 and May 24, 1983 to the Chairman of the Senate Committee on the Judiciary on identical legislation from the Commissioner of the Immigration and Naturalization Service are set forth below:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, August 8, 1978.

A22-278-834.

Hon. JAMES. O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (S. 2942) for the relief of Hyong Cha Kim Kay, there is attached a memorandum of information concerning the beneficiary.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States, aliens who have been convicted of violating, or conspiring to violate, a narcotic law or regulation, or any alien who is or has been or is believed to be an illicit trafficker in, or in possession of, narcotic drugs or marijuana and would authorize the issuance of a visa and the beneficiary's admission into the United States for permanent residence, if she is otherwise admissible under the Act. The bill limits the exemption granted the beneficiary to the grounds for exclusion known to the Department of State or the Department of Justice prior to the date of its enactment The bill would also confer immediate relative status upon the widow of a United States citizen.

Sincerely,

LIONEL J. CASTILLO,
Commissioner.

Attachment.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RES. 2942

Information concerning the case was obtained from Barton Kay, the father-in-law of the beneficiary.

The beneficiary, Hyong Cha Kim Kay, is a native and citizen of Korea who was born on September 15, 1951. Mr. Barton had no information relating to the beneficiary's education, family background, or employment record.

On November 8, 1975, the beneficiary was convicted of possession of fifty grams of marijuana under the Habit Forming Drug Control Law in District Criminal Court, Seoul, Korea. She was sentenced to serve one year at hard labor with sixty days credit for pretrial confinement and placed on two years probation. Mr. Barton advised that the

confinement portion of the beneficiary's sentence was suspended upon condition of a favorable probation record.

Hyong Cha Kim Kay was married in Korea to Steven Kay on May 9, 1977. Steven Kay was born on January 23, 1956 in Mt. Clemens, Michigan. He was a serviceman in the United States Army. An immediate relative visa petition filed by United States Embassy in Seoul, Korea on May 19, 1977. Steven Kay died on August 27, 1977 as a result of an automobile accident in Mt. Clemens, Michigan while on military home leave. Prior to his death, Steven Kay had advised his family in Mt. Clemens about the beneficiary's criminal record.

The beneficiary had a child, Stephanie Kay, on September 20, 1977 in Korea. Stephanie Kay is a United States citizen at birth through her father, Steven Kay. The beneficiary's immediate relative visa petition was not automatically revoked upon the death of Steven Kay because it was determined that humanitarian reasons made revocation inappropriate. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, for additional information.

The beneficiary resides in Korea with her daughter. Mr. Barton Kay advised that upon the death of her spouse, the beneficiary receive $3,000 separation pay from the United States Army and a $20,000 life insurance settlement. The beneficiary has also applied for Social Security benefits for herself and daughter.

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, November 5, 1979.

A22-278-834.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This refers to S. 1528 in behalf of Hyong Cha Kim Kay, who was also the beneficiary of S. 2942, 95th Congress.

It has now been learned that the beneficiary completed nine years of formal education in her native Korea by 1966. She advised that she has not been employed in the past five years. The beneficiary's assets consist of personal property valued at $45,000 and monthly benefit payments from the Veterans' Administration and Social Security in the amount of $369 and $332 respectively. The beneficiary resides with her daughter, Stephanie Kay, in off-base housing available to dependents of military personnel in Korea.

The beneficiary's father is deceased. Her mother is a citizen and resident of Korea. The beneficiary has a brother and two sisters who are also residents of Korea. The beneficiary's parents-in-law, Barton and Edith Kay, and four brothers-in-law, are citizens of the United States who reside in New Baltimore, Michigan.

Sincerely,

CORNELIUS J. LEARY,
Executive Assistant
(For the Commissioner).

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, June 1, 1981.

A22-278-834.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This refers to S. 235 in behalf of Hyong Cha Kim Kay, who was also the beneficiary of S. 1528, 96th Congress.

The beneficiary continues to reside in Inchon, Korea, with her United States citizen child, Stephanie Kim Kay. She has advised that she has not been employed in the past five years. Her assets consist of personal property valued at $90,000, and monthly benefit payments from the Veteran's Administration and Social Security in the amount of $350 and $700 respectively.

The beneficiary's parents are decreased. Her adult brother and two sisters reside in Seoul, Korea. Her parents-in-law, Barton and Edith Kay, and four brothers-in-law, are citizens of the United States who reside in New Baltimore, Michigan.

Sincerely,

DAVID DIXON
(For the Commissioner).

A letter dated May 24, 1983, to the Chairman of the Senate Committee on the Judiciary from the Immigration and Naturalization Service with reference to the instant bill reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, May 24, 1983.

A22-278-834.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: That is in reference to S. 396 in behalf of Hyong Cha Kim Kay, who was also the beneficiary of S. 235 during the 97th Congress.

The beneficiary continues to reside in Seoul, Korea with her United States citizen child, Stephanie Kim Kay, and her son, Angelo Pelligrini, born out of wedlock to the beneficiary and Michael Pelligrini, a United States citizen, on July 8, 1981 in Korea. The beneficiary has advised that she is engaged to Michael Pelligrini and that she will marry him.

The beneficiary's assets consist of personal and real property valued at $50,000 and cash assets of $100,000 on deposit in Korea. In addition, she and her daughter are the joint recipients of an insurance cash settlement on the death of Steven Kay in excess of $180,000 which is deposited in the United States. The beneficiary continues to receive monthly benefit payments from the Veterans'

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Administration and Social Security in the amount of $550 and $450, respectively.

The beneficiary's parents-in-law, Barton and Edith Kay, and four brothers-in-law are citizens of the United States and reside in New Baltimore, Michigan. Her prospective husband and parents-in-law are citizens of the United States and reside in Warwick, New York. Both families are known to the other and desire to be considered interested parties.

Sincerely,

MARVIN T. ELY
(For Greg Leo, Acting Director,
Congressional and Public Affairs).

An updated report provided for the House Judiciary Committee follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, June 18, 1986.

A22-278-834.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your request for an updated report on S. 343 in behalf of Hyong Cha Kim Kay.

The beneficiary continues to reside in Korea with her daughter and son, and with her fiance, Michael Pellegrini, who is the father of her son. They do not plan to marry until after the beneficiary comes to the United States because she would lose her Veterans Administration and Social Security benefits if she married. Mr. Pellegrini cannot get a job in Korea which would support them all. All four of them live comfortably on those benefits which she and her daughter, Stephanie, receive and the limited income which Mr. Pellegrini contributes. They no longer reside in base housing, but rather in an apartment in town.

The interested party, Barton Kay, advised that the family sued the insurance company after the death of his son, and that the beneficiary and Stephanie each received approximately $83,000 from the settlement. Stephanie's money has been placed in an annuity account which cannot be touched until she reaches 18 years of age. That account is now worth over $100,000. He also advised that he manages and pays taxes on Hyong Cha's account which is in the United States and is also now worth over $100,000.

The interested parties, Barton and Edith Kay, visited Korea in September of 1985 to see their granddaughter. He advised that he and his wife have met the beneficiary's fiance and that they approve of him. He further advised that the apartment where the beneficiary, her fiance, and the two children live, is well kept and as nice as any that could be found in the United States. He also stated that Stephanie currently attends a special school for the children of persons in the diplomatic corps stationed in Korea.

The beneficiary occasionally works in shops in town, but is not currently employed. Mr. Kay advised that the beneficiary has not been arrested since the original narcotics conviction in 1975.

The interested parties advised that they correspond with the beneficiary and receive a letter from her approximately once a month. Much more rarely they talk on the telephone. They stated that they still hope very strongly for the beneficiary and their grandchild to come to the United States. The beneficiary would also bring her son, Angelo, to the United States; however, he does not currently have any avenues available by which to immigrate. Although Angelo's father is a United States citizen, Angelo did not acquire United States citizenship at birth because his father and mother were not married. Unless his parents marry before Angelo reaches the age of 18 years, Mr. Pellegrini will not be eligible to file a petition for Angelo as his legitimated son. Once the beneficiary is granted lawful permanent residence she would be eligible to file a second preference visa petition in Angelo's behalf; however, second preference visa numbers are not currently available.

Sincerely,

MARVIN T. ELY
(For Greg Leo, Director,
Congressional and Public Affairs).

On December 5, 1978 and February 11, 1980 the Department of State submitted a report on an identical bill which reads as follows:

FEBRUARY 11, 1980.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on the Judiciary, U.S. Senate.

DEAR MR. CHAIRMAN. In further reference to our report of December 5, 1978 and your letter of January 8, concerning the case of Hyong Cha Kim Kay, beneficiary of S. 1528, 96th Congress and S. 2942, 95th Congress, the United States Embassy at Seoul, Korea has reported no new developments subsequent to submission of its memorandum of information in 1978, which would have a bearing on Miss Kay's visa ineligibility.

J. BRIAN ATWOOD,
Assistant Secretary for Congressional Relations.

DECEMBER 5, 1978.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary, U.S. Senate.

DEAR MR. CHAIRMAN: In reference to your request for a report concerning the case of Hyong Cha Kim Kay, beneficiary of S. 2942, 95th Congress, there is enclosed a memorandum of information concerning the beneficiary. This memorandum has been submitted by the United States Embassy at Seoul, Korea, in whose consular jurisdiction the beneficiary resides.

The bill would provide for visa issuance and the beneficiary's admission for permanent residence notwithstanding here ineligibility as an alien who has been convicted of a violation of any law or regulation relating to the illicit possession of or traffic in narcotic drugs or marihuana, if she is otherwise admissible under the provisions of the Immigration and Nationality Act. The relief granted is

limited to a ground for exclusion known to the Department of State or the Department of Justice prior to enactment.

Sincerely,

DOUGLAS J. BENNETT, Jr.,
Assistant Secretary for Congressional Relations.

Enclosure.

MEMORANDUM OF INFORMATION CONCERNING S. 2942 FOR THE RELIEF OF HYONG CHA KIM KAY

(Submitted by the American Embassy at Seoul, Korea)

The beneficiary is the widow of Steven Earl Kay, a United States citizen serviceman, who died in the United States on August 27, 1977, in the State of Michigan as the result of an automobile accident. She was born in Korea on September 15, 1951.

Mrs. Kay completed two years of high school and worked as a sales girl until she met her husband in 1975. They were married on May 19, 1977, at Seoul, Korea. She presently resides in Inchon, Korea, with a married sister. She has one child, Stephanie, born September 20, 1977, at Seoul, Korea, who is a United States citizen. Mrs. Kay now wishes to join her parents-in-law in the United States.

Mrs. Kay is the beneficiary of an approved visa petition to accord her status as an immediate relative filed by her late husband. The Immigration and Naturalization Service has ordered that the visa petition filed on May 19, 1977, at Seoul, Korea, by the late Steven Earl Kay not be revoked pursuant to Title 8, CFR, Part 205.1(a)(3), and that the visa petition be considered for issuance of an immigrant visa at such time as the Department of State finds the beneficiary eligible for issuance of an immigrant visa.

The beneficiary was found on September 6, 1977, to be ineligible to receive an immigrant visa by the American Embassy, Seoul, Korea, under the provisions of 212(a)(23) of the Immigration and Nationality Act, as amended, due to her conviction on November 8, 1975, by the Seoul District Criminal Court of a violation of the Korean drug control law. She was convicted of possession of 50 grams of marijuana. She was given a sentence of one year and placed on two years' probation.

Under the immigration law, there is no provision for administrative relief from this specific ground of ineligibility. There are forwarded herewith three certified copies of the court record with English translation thereof.

The Embassy investigation revealed no additional derogatory information concerning the beneficiary.

The beneficiary is chargeable to the foreign state limitation for Korea.

The beneficiary underwent a medical examiation on November 9, 1970, and was found to be in good health.

Article 5. (Prohibition of General Activities)

No person may be allowed to extract the ingredient of raw material of a habit-forming drugs from a plant, or to smoke or intake the plant, or to possess, own export or import, sell or receive the plant for the purpose of smoking or intake for himself or for another person. Provided, however, that this shall not apply in case an approval of the Minister of Health and Social Affairs has been obtained for the above purpose in accordance with the provisions of a Presidential decree.

Article 39. (ditto)

A person who falls under one of the following sub-section shall be punished by hard labor for five years or less, or by a fine of 300,000 won or less:

1. A person who has processed, owned, kept, sold, received, prescribed or given a habit-forming drugs, or has issued a prescription containing a habit-forming drugs, or has used raw material thereof, in violation of the provision of Article 3.
2. A person who has smoked or intaken a plant which is the raw material of a habit-forming drugs, or has possessed, owned, sold, bought or received the said plant for the purpose of smoking or intake, or for another person's smoking or intake, in violation of Article 5.
3. A person who has violated the provisions of Article 11, paragraph 1, Article 14, Article 16, paragraph 1.
4. A person who has refused, disturbed or avoided the forcibly accommodation or medical treatment mentioned in Article 30, paragraph 1 without any justification.

Article 42. (Confiscation)

Paragraph 1. A habit-forming drugs offered for the offense prescribed in this Law shall be confiscated, Provided, however, that if it is impossible to confiscate the above, the value thereof shall be collected.

Paragraph 2. The habit-forming drugs confiscated pursuant to the provision of the foregoing paragraph shall be taken over by the Minister of Health and Social Affairs.

Paragraph 3. Upon receipt of the habit-forming drugs mentioned in the foregoing paragraph, the Minister of Health and Social Affairs shall destroy it or shall take other necessary action.

Paragraph 4. Matters concerning destruction and other action mentioned in the foregoing paragraph shall be determined by a Presidential decree.

THE CRIMINAL CODE

Law No. 293, Promulgated on September 18, 1953

PUNISHMENT—1123

SECTION II—DETERMINATION OF PUNISHMENTS

Article 51. (Conditions of Determination of Punishments)

In determining punishments, the following matters shall be taken into consideration:

1. The age, character and conduct, intellect and environment of the offender.
2. Relation to the victim.
3. The motive for the commission of the crime, the means and the result.
4. Circumstances after the commission of the crime.

Article 57. (Inclusion of Number of Days of Confinement before Imposition of Sentence)

(1) The number of days of confinement before impostion of sentence shall be included in whole or in part in the period of limited penal servitude, or limited imprisonment, or lockup in respect to a fine or minor fine, or detention.

(2) In the case of the preceding paragraph, one day of confinement shall be reckoned as one day of the term of penal servitude, or imprisonment, or lockup in respect to a fine or minor fine, or detention.

SECTION IV—SUSPENSION OF EXECUTION OF SENTENCE

Article 62. (Requisites for Suspension of Execution of Sentence)

(1) If sentence of penal servitude or imprisonment for not more than three years is imposed, the execution of a sentence for a period of not less than one year nor more than five years may be suspended, when there are extenuating circumstances in application of the provision of Article 51, provided that five years have elapsed since a sentence to imprisonment or to more severe punishment was completed or remitted.

(2) When punishments are to be imposed concurrently, execution of punishment may be suspended in whole or in part.

SEOUL DISTRICT CRIMINAL COURT

NOVEMBER 8, 1975.

SENTENCE

Case: 75KoTan8787 Violation of habit forming drug control law.
Accused: KIM Hyong Cha, DOB: 15 Sep 51.
Address: 736 Tongchun dong, Nam ku, Inchon City, Kyonggi do.
Home of record: 458 Ukkok ri, Ponghwa myon, Nachu kun Chon nam.
Prosecutor: KIM Yang Il.
Sentence: One (1) year hard labor; 60 days of pretrial confinement will be counted in on the above one year. Two (2) years of

probation from the date of adjudgement. 5 grams of marijuana powder, 5 grams of MJ leave, two M/J smoking pipes, 4 packs of paper for preparing M/J cigarette will be confiscated.

Criminal fact: The accused had in her possession at the above address about 1530 hrs, 5 Sep 75, 50 grams of marijuana for the purpose of smoking it.

Evidence: The accused statement admitting the criminal fact, at the trial; the accused statement taken by prosecutor and judicial police office admitting the criminal fact; positive lab report by the chief of National Health Center; exhibition of the confiscated evidence above.

Applied articles: Art. 5-2 and 39-2, Drug control law; Art. 57, Criminal Code; Art. 62, Criminal Code; Art. 42-1, Drug control law; Art. 48-1-1, Criminal Code.

Judge KIM SIN TAEK.

An updated report on the bill was provided at the request of the House Judiciary Committee:

U.S. DEPARTMENT OF STATE,
Washington, DC, June 17, 1986.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: I refer to your request for a follow-up report concerning the case of Hyong Cha Kim Kay, beneficiary of S. 343, 99th Congress, and S. 396, 98th Congress.

The bill would provide for visa issuance and the beneficiary's admission for permanent residence notwithstanding her ineligibility as an alien who has been convicted of a violation of any law or regulation relating to the illicit possession of or traffic in narcotic drugs or marihuana, if she is otherwise admissible under the provisions of the Immigration and Nationality Act. The relief granted is limited to a ground for exclusion known to the Department of State or the Department of Justice prior to enactment.

The United States Embassy at Seoul, Korea, in whose consular jurisdiction the beneficiary resides, has reported that a review of the beneficiary's file has disclosed no new developments that would affect her eligibility to receive a visa other than her 1975 conviction for possession of 50 grams of marihuana.

The beneficiary's Korean passport is current as is the United States passport of her U.S. citizen daughter. A current police clearance shows no derogatory information. The results of a recent medical examination are expected to show no defect, disease, or disability. However, the Committee will be advised of any development to the contrary.

Sincerely,

JAMES W. DYER,
Acting Assistant Secretary,
Legislative and Intergovernmental Affairs.

Senator Carl Levin, the author of the legislation, submitted the following statement of support on his bill:

U.S. SENATE,
Washington, DC, February 16, 1981.

Chairman, Committee on the Judiciary, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you on behalf of Hyong Cha Kim Kay of Seoul, Korea. Mrs. Kay is the beneficiary of private bill S. 235.

Hyong is the widow of Steven Earl Kay, an American citizen serviceman, killed while home on leave in an automobile accident, August 27, 1977. Steven and Hyong were married in 1977. One child was born of that marriage, Stephanie, September 20, 1977.

Mrs. Kay presently resides in Korea with her daughter. She is, however, most anxious to join her deceased husband's parents and family in New Baltimore, Michigan. Mr. and Mrs. Kay have invited their daughter-in-law and only grandchild to share their home and future lives together. The Kay's have resided in the New Baltimore area all of their lives and state that their four remaining sons are also looking forward to welcoming Hyong and Stephanie into the family.

Hyong has been found ineligible to receive an immigrant visa because of a prior conviction for possession of marijuana. Aside from the one conviction for a relatively small amount of the drug, Hyong leads a reputable lifestyle and has an otherwise clear record.

I am sure that you will agree to deny Mr. and Mrs. Kay the opportunity to care for and comfort their son's widow and child and to deny Hyong and Stephanie family benefits is a severe penalty to impose in light of the overall good character of the beneficiary. I am asking you to sympathetically review this situation and give favorable consideration to her private bill.

Sincerely,

CARL LEVIN.

The following affidavits are supplied for the record:

UNIVERSITY OF MARYLAND,
UNIVERSITY COLLEGE—FAR EAST DIVISION,
APO San Francisco, April 22, 1982.

To Whom It May Concern:

It is my great pleasure to write a character reference for Mrs. Hyong Cha Kay. As an instructor with the University of Maryland's Far East Division, I have been living in Korea since 1974 during which time I have met and made friends with many Koreans, including Mrs. Kay. I first met Mrs. Kay through our daughters, who are both about the same age, and during the two and a half years since first meeting her I have talked with her on numerous occasions and participated with her and her daughter in innumerable activities for the children. Over this period of time I have been very impressed with Mrs. Kay as both a person and as a mother. She is extremely dedicated to her lovely daughter, Stephine, and is constantly accompanying her to various activities ranging from Christmas parties to piano lessons.

Through my discussions with Mrs. Kay, I am aware of her concern that her daughter, as an American citizen, be given the opportunity to live in her native country, know her American relatives,

and generally have all of the benefits that her deceased father surely would have wanted her to have. Mrs. Kay is an honest, reliable, dignified young mother who certainly would be able to adapt to the requirements of life in the United States. In short, I recommend her to you without reservation, and hope that everything possible will be done to insure that this woman and her daughter be treated in a just and fair fashion. Please feel free to contact me for any further information that you may need.

Sincerely yours,

FRANK W. CONCILUS,
Sociology Department,
University of Maryland, FED.

DEPARTMENT OF THE ARMY,
HEADQUARTERS, U.S. ARMY GARRISON, YONGSAN,
APO San Francisco, April 7, 1982.

EAGY-CH.

Subject: Letter of Recommendation.

To the U.S. CONGRESS,
Senator Levin's Office.

DEAR SENATOR LEVIN: This letter is the undersigned chaplain's statement in support of the private bill presently before the House Judiciary Committee to grant immigration visas to Mrs. Hyong Cha Kay and her daughter, an American citizen. Mrs. Kay is the widow of servicemember Stephen Kay, also an American, deceased. The petition has been presented to provide exception to policy in that Mrs. Kay has been convicted of possession of an illegal substance, 50 grams of marijuana, in Korea in 1977.

During numerous counseling sessions with the aforementioned lady, it is my professional opinion that she does not nor ever has used an illegal substance. She is a good mother, a model of integrity, capable home-maker, and sound character. It is my belief that she will be a model resident and future citizen. Her late husband's parents are her sponsors and will guarantee fiscal responsibility.

In view of the length of time she has been waiting to enter the United States (5 years) and the fact that her daughter is an American, due and favorable consideration should be granted her request.

With every best wish, I am,
Sincerely yours,

JAMES P. NEEDHAM,
Chaplain (Maj), USA,
Catholic Chaplain, USAGY, Seoul, ROK.

DEPARTMENT OF THE ARMY
55TH MILITARY POLICE COMPANY,
APO San Francisco, April 8, 1982.

To Whom It May Concern:

I have known Mrs. Kay, Hyong Cha since 1980 when I first arrived in Korea. My present position is the Provost Marshal's Oper-

ations Sergeant at Camp Market. I have at no time ever had or heard of any law enforcement problems concerning Mrs. Kay.

I have ran police checks by phone to American and Korean Police officials and found that Mrs. Kay has had no problems since 1975. I feel that if Mrs. Kay entered the United States, I personally would be happy to have her for a neighbor in my community.

I know for a fact Mrs. Kay is financially stable. The Government would not be letting someone in the country that could not support herself or was unresponsible. Mrs. Kay is an exceptional woman that has had many rough times in life but has continued to strive for betterment of herself and family.

I feel that if Mrs. Kay's request for entrance is turned down not only would the U.S. be committing an injustice but also losing a person that could make many contributions and an outstanding citizen. In light of this, I feel that her request to enter the United States should be favorably considered.

LANSING R. KELLOGG,
SFC, USA, Operation Sergeant.

BUDGETARY INFORMATION

This legislation does not provide new budget authority and no estimate or comparison has been received from the Director of the Congressional Budget Office.

OVERSIGHT STATEMENT

The Committee exercises general oversight jurisdiction with respect to all imigration and nationality matters but no specific oversight is contemplated in this instance.

COMMITTEE RECOMMENDATION

Upon consideration of all the facts in this case, the Committee is of the opinion that S. 343 should be enacted and accordingly recommends that the bill do pass.

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